

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

The parties to the above-entitled action jointly submit this JOINT STATEMENT pursuant to Order 249. The parties met and conferred and agreed that the resolution of the below-listed *Daubert* motions would be *helpful* to the Court’s resolution of the motions for summary judgment. Resolving these *Daubert* motions will be helpful because the issues in the motions for summary judgment and *Daubert* motions are closely related. While the identified *Daubert* motions are intertwined with the pending summary judgment motions, the parties agree that the summary judgment motions also contain independent issues that can be resolved without requiring consideration of the *Daubert* motions.

1. Resolution of sections III.A to III.E of Ciena Corporation’s Motion to Exclude the Infringement Opinions and Testimony of Plaintiff’s Technical Expert, Keith Goossen, Ph.D., Under Fed. R. Evid. 702 and *Daubert* (Dkt. No. 180; Dkt. No. 177-8 (sealed)) will be helpful to resolving section III.A Ciena’s Motion for Summary Judgment (Dkt. No. 178; Dkt. No. 177-4 (sealed)).

2. Resolution of section III of Oyster Optics, LLC’s Motion to Strike Certain Opinion of George Papen Re Invalidity of The Asserted Patents (Dkt. No. 185; Dkt. No. 186-3 (sealed)) and of section III.C of Ciena Corporation’s Motion to Exclude the Validity Opinions and Testimony of Plaintiff’s Technical Expert Keith Goossen, Ph.D, Under Fed. R. Evid. 702 and *Daubert* (Dkt. No. 181) will be helpful to resolving section III of Oyster Optics, LLC’s Motion for Summary Judgment (Dkt. No. 182; Dkt. No. 184-3 (sealed)) and section III.B of Ciena’s Motion for Summary Judgment (Dkt. No. 178; Dkt. No. 177-4 (sealed)).

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By: /s/ *Reza Mirzaie*

Marc A. Fenster (CA BN 181067)
mfenster@raklaw.com
Paul A. Kroeger (CA BN 229074)
pkroeger@raklaw.com
Reza Mirzaie (CA BN 246953)
rmirzaie@raklaw.com
RUSS, AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

By: /s/ *Blair M. Jacobs*

Blair M. Jacobs
bjacobs@mckoolsmith.com
Christina A. Ondrick
condrick@mckoolsmith.com
John S. Holley
jholley@mckoolsmith.com
McKool Smith, P.C.
1999 K Street, NW, Suite 600
Washington, DC 20006
Phone: (202) 402-9400
Facsimile: (202) 402-9544

ALAN P. BLOCK (SBN 143783)
ablock@mckoolsmithhennigan.com
300 South Grand Avenue, Suite 2900
Los Angeles, California 90071
T: 213.694.1200;
F: 213.694.1234

Attorneys for Plaintiff
Oyster Optics, LLC

Attorneys for Defendant
Ciena Corporation